



Christine Loh and Civic Exchange (eds), Functional Constituencies: A Unique Feature of the Hong Kong Legislative Council

H.Christoph Steinhardt



Édition électronique

URL : <http://journals.openedition.org/chinaperspectives/1833>
ISSN : 1996-4617

Éditeur

Centre d'étude français sur la Chine contemporaine

Édition imprimée

Date de publication : 15 avril 2007
ISSN : 2070-3449

Référence électronique

H.Christoph Steinhardt, « Christine Loh and Civic Exchange (eds), Functional Constituencies: A Unique Feature of the Hong Kong Legislative Council », *China Perspectives* [En ligne], 2007/2 | 2007, mis en ligne le 08 avril 2008, consulté le 28 octobre 2019. URL : <http://journals.openedition.org/chinaperspectives/1833>

Ce document a été généré automatiquement le 28 octobre 2019.

© All rights reserved

Christine Loh and Civic Exchange (eds), Functional Constituencies: A Unique Feature of the Hong Kong Legislative Council

H.Christoph Steinhardt

- 1 As the title of this edited volume suggests, the feature of Functional Constituencies (FCs) in Hong Kong's parliament, the Legislative Council (LegCo), is indeed unique among modern polities. Currently, only half of the 60 LegCo seats are elected in "standard" Geographical Constituencies (GCs). The other half are determined in FC elections, predominantly representing economic sectors. Additionally, Subsector Elections (SEs)—the FCs' "twins"—return the majority of the assembly that elects the Hong Kong Chief Executive. Voters for FCs and SEs are individuals and/or corporations affiliated with these sectors¹. According to the current definition, the potential electorate of both is only a fraction of the Hong Kong population eligible to vote in the GC elections.
- 2 The course and speed of the territory's democratisation process and therefore, as a matter of fact, the future of the FCs was and is the focus of fierce debates. It is therefore astonishing that hardly any research work on the FC elections and legislators existed until very recently. A partial explanation for this might be found in certain aspects of the legislation which almost leads one to suspect that the FC system was never really intended to be transparent. It leaves researchers with the choice to either "throw their hands up in frustration" (p. 3) or to employ more costly and indirect means. In any case, by editing this nearly 400-page collection of articles, Hong Kong think-tank Civic Exchange and its Chief Executive Christine Loh have contributed a pioneering piece of research and important input to the ongoing debate about Hong Kong's political future.
- 3 Civic Exchange assembled a number of scholars to provide insights into the FC system from legal, political, economic, sociological and historical perspectives. The reader is unlikely to be mistaken in assuming that the authors are not in favour of the status

quo. They are concerned about the adverse effects of this political arrangement, and make their case on the basis of thoroughly researched arguments. The authors do not find any objective evidence for often employed arguments to justify the existence of FCs. Instead they uncover various inconsistent, unequal, questionable and often enough mind-boggling features of the FC system. Hence, one of the central messages of this book is that the major *raison d'être* for the FC arrangement is political. Accordingly, it is argued, FCs exist in order to ensure there are “enough politically conservative forces in place to act as a bulwark against demands for a quicker pace of democratic reform” (p. 331). This conclusion has certainly occurred to other observers as well. What makes this publication unique, however, is the massive amount of evidence that uncovers how the institution of FCs really affects Hong Kong politics.

- 4 The book is divided into ten chapters. Following Christine Loh's introduction, the first two chapters by Loh and Goodstadt respectively discuss aspects of Hong Kong's colonial past, out of which the current FC system evolved. They rely on recent research and the analysis of government documents to point out how the government-business alliance from the colonial political economy metamorphosed into the current FC arrangement. At one point (pp. 44-46) Goodstadt implies that British dominated business groups were a decisive factor that ultimately led to the failure of democratic reform plans initiated by Hong Kong's first post-war governor. While it seems logical that the reform initiative went against the interests of these stakeholders, the evidence for his claim and particularly the sequence of decisions should be laid out more clearly. Chapter 3 by Young and Law surveys the rationale and legal basis of the FCs, developments since their introduction in 1985, the recognition and grouping of functions, the different sizes of FCs and the FC electorate with its truly unique feature of corporate electors. They find that the FC system is grossly unfair in various ways, lacks a coherent theory of representation and, because of this, is often random and illogic in its features. Chapter 4 by Young provides a detailed and critical analysis of FC legislators and elections and then contrasts his findings with concerns such as accountability, public service and representativeness. In Chapter 5 Li and Kat provide a clear and to-the-point discussion of the legal status of the FC system. The authors convincingly argue that this basis is weak. DeGolyer presents the results of his methodologically stimulating survey of FC and GC voters in Chapter 6. He contrasts demographic characteristics and attitudes of both groups in detail. One of the many interesting results is that a large majority of both FC and GC voters welcomes an early introduction of full direct elections for both LegCo and the Chief Executive elections. However, at the same time (and in contradiction) there is a majority for retaining FCs; a result backing up findings of other recent survey research². DeGolyer unfortunately does not analyse possible reasons for and implications of this particular finding in greater detail. In Chapter 7 Kwok and Chow undertake a detailed assessment of the role the FC LegCo members play in social policy-making. They—unsurprisingly, given the argument particularly from the first two chapters—find that FC lawmakers tend to vote with the government and for the employers' perspective. FC LegCo members appear particularly uncompromising when their own sectors' interests are concerned but are comparatively inactive when this is not the case. This finding validates Georg Simmel's nineteenth century insight that representation of groups instead of territorial constituencies does not encourage “concern with many interests and the need for compromise”³. In terms of economic policy-making, Latter provides an analysis of the performance of the FC legislators in Chapter 8. He broadly confirms Kwok and Chow's

conclusions on voting tendencies. Latter, furthermore, argues that FC representatives' legislative behaviour had a "distinctly interventionist bias" (p. 272). In Chapter 9 van der Kamp and Lai forcefully argue against the understanding that FC legislators were beneficial for an efficient economy. On the contrary, the evidence they collected suggests that FC representation encourages corporate welfare and patronage politics. They also illustrate how widespread price-fixing practices of cartels and monopolists, questionable industrial subsidies and effects on town-planning are directly linked to the FC lawmakers in LegCo. In Chapter 10 The Association of the Bar of the City of New York makes the case against comments arguing for the continued existence of the FC structure by juxtaposing it with the US election system. These types of arguments are still frequently used, as regular reading of Hong Kong newspapers easily reveals⁴. The conclusion is again provided by Christine Loh. Based on the argument unfolded over the course of the previous chapters, she summarises why she thinks the existence of FCs is not a good thing for Hong Kong. She finally elaborates on the Civic Exchange proposal for possible changes in the FC election process in 2008. It takes into account the restraints the central government decided upon in 2004 and what has been found out throughout the chapters. The book is accompanied by a CD-Rom. In 28 appendices it contains more detailed research results the authors were not able to squeeze into the articles.

- 5 All the pieces of research assembled in this volume are unique and generally well-researched. The amount of empirical evidence collected is impressive. Highlights are certainly Loh's contributions and the chapter written by van der Kamp and Lai because they manage to combine strong arguments with an effective writing style. Of course the book is not without its weaknesses. There are moments when the reader longs for a bit more streamlined writing and a focus on the essential facts. This is particularly true for chapters 3 and 7. Despite the interesting studies done by the authors, only very patient readers make it over the full length of these sections. Furthermore, what is missing is a chapter that analyses the Chief Executive Election Committee SE elections in detail.
- 6 However, this book is a must-read for everybody interested in Hong Kong politics. The audience is certainly not restricted to the narrow circles of professional researchers but should encompass a wider interested public. It is therefore understandable that the authors do not elaborate on the implications of the Hong Kong case for the general understanding of political development. Nonetheless, the material assembled here makes the book a rich resource for researchers interested for example in comparative democratisation processes, political economy or institutional development, for which Hong Kong is a fascinating case to study.
- 7 One would wish that the work done in this volume encourages the other side of the political spectrum in Hong Kong to engage more in similarly well-researched exercises. By adopting different perspectives and providing evidence, its representatives would likely offer different answers to the pressing questions about political reform that Hong Kong cannot avoid. Unquestionably this would be a healthy development and strengthen the voices of an informed debate against the prevalent spin-doctoring and power-politics.

NOTES

1. For an overview of FCs, corresponding SEs and election methods see: Electoral Affairs Commission, “Relationship of the 28 Functional Constituencies and 38 Election Committee Subsectors”, Electoral Affairs Commission, <http://www.elections.gov.hk/elections/ec2006/en/index.htm>, accessed: 13 May 2007
2. Joseph Chan and Elaine Chan, “Perceptions of Universal Suffrage and Functional Representation in Hong Kong : a Confused Public?”, *Asian Survey*, vol. 46, n° 2, 2006, pp. 257-274.
3. As cited in: Seymour M. Lipset, *Political Man: the Social Bases of Politics*, Garden City, Doubleday, 1983.
4. E.g. Klaudia Lee, “Banker Defends Legco Professional Groups,” *South China Morning Post*, 6 May 2007 .